

Fred W. Schwinn (SBN 225575)  
CONSUMER LAW CENTER, INC.  
12 South First Street, Suite 1014  
San Jose, California 95113-2418  
Telephone Number: (408) 294-6100  
Facsimile Number: (408) 294-6190  
Email Address: fred.schwinn@sjconsumerlaw.com

ADR

Filed

JUN - 6 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

Attorney for Plaintiff  
CARL MONROE

E-filing

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CARL MONROE,

Plaintiff,

v.

REID LAYNE STEINFELD,

Defendants.

Case No. **CV 11-02726**  
COMPLAINT

HRL

DEMAND FOR JURY TRIAL

15 United States Code § 1692 *et seq.*

Plaintiff, CARL MONROE, based on information and belief and investigation of counsel, except for those allegations which pertain to the named Plaintiff or his attorneys (which are alleged on personal knowledge), hereby makes the following allegations:

**I. INTRODUCTION**

1. This is an action for actual damages, statutory damages, attorney fees and costs brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

2. According to 15 U.S.C. § 1692:

a. There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the

Paid  
\$1  
99

V/SAM

1 number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of  
2 individual privacy.

3 b. Existing laws and procedures for redressing these injuries are inadequate to  
4 protect consumers.

5 c. Means other than misrepresentation or other abusive debt collection  
6 practices are available for the effective collection of debts.

7 d. Abusive debt collection practices are carried on to a substantial extent in  
8 interstate commerce and through means and instrumentalities of such commerce. Even where  
9 abusive debt collection practices are purely intrastate in character, they nevertheless directly  
10 affect interstate commerce.

11 e. It is the purpose of this title to eliminate abusive debt collection practices by  
12 debt collectors, to insure that those debt collectors who refrain from using abusive debt  
13 collection practices are not competitively disadvantaged, and to promote consistent State action  
14 to protect consumers against debt collection abuses.

## 15 II. JURISDICTION

16 3. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.  
17 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

18 4. This action arises out of Defendant's violations of the Fair Debt Collection  
19 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

## 20 III. VENUE

21 5. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in that a  
22 substantial part of the events or omissions giving rise to the claim occurred in this judicial district.  
23 Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that Defendant  
24  
25  
26  
27  
28

1 transacts business in this judicial district and the violations of the FDCPA complained of occurred in  
2 this judicial district.

3 **IV. INTRADISTRICT ASSIGNMENT**

4  
5 6. This lawsuit should be assigned to the San Jose Division of this Court because a  
6 substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara  
7 County.

8 **V. PARTIES**

9  
10 7. Plaintiff, CARL MONROE (hereinafter "Plaintiff"), is a natural person residing in  
11 Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15 U.S.C. § 1692a(3).

12 8. Defendant, REID LAYNE STEINFELD (hereinafter "STEINFELD"), is a natural  
13 person and licensed attorney in the state of California. STEINFELD may be served at his current  
14 business address at: Reid Layne Steinfeld, Law Office of Reid L. Steinfeld, 26575 West Agoura Road,  
15 Calabasas, California 91302. STERNBERG is a "debt collector" within the meaning of 15 U.S.C. §  
16 1692a(6).

17  
18 **VI. FACTUAL ALLEGATIONS**

19 9. On a date or dates unknown to Plaintiff, Plaintiff is alleged to have incurred a  
20 financial obligation to ACADEMY OF ART UNIVERSITY in San Francisco, California for student  
21 tuition (hereinafter "the alleged debt"). Plaintiff denies that any debt is owed. The alleged debt was  
22 primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by  
23 15 U.S.C. § 1692a(5).

24  
25 10. Plaintiff is a resident of Santa Clara County, California and has never resided in  
26 Los Angeles County, California. Plaintiff has never applied for credit or signed a credit application or  
27 credit agreement while in Los Angeles County, California. Moreover, if any debt to the ACADEMY  
28

1 OF ART UNIVERSITY was incurred by Plaintiff for student tuition, a debt which Plaintiff specifically  
2 denies owing, said student tuition debt would have been incurred in San Francisco County, California.

3 11. Plaintiff is informed and believes, and thereon alleges, that sometime thereafter on  
4 a date unknown to Plaintiff, the alleged debt was placed, assigned or otherwise transferred to a  
5 collection agency named Grant & Weber for collection from Plaintiff.  
6

7 12. Plaintiff is informed and believes, and thereon alleges, that sometime thereafter on  
8 a date unknown to Plaintiff, the alleged debt was placed, assigned or otherwise transferred to Defendant  
9 for collection from Plaintiff.  
10

11 13. On or about November 8, 2010, Defendant filed a lawsuit against Plaintiff in the  
12 Superior Court of California, County of Los Angeles, captioned *Grant & Weber v. Carl Monroe, et al.*,  
13 Case No. 10E13860 (hereinafter the "*Grant & Weber v. Monroe* complaint") which sought to collect  
14 the alleged debt.

15 14. As a result of Defendant filing the *Grant & Weber v. Monroe* complaint against  
16 him in Los Angeles County – a distant and inconvenient venue – Plaintiff was required to retain counsel  
17 and incur attorneys' fees and costs in order to have the lawsuit transferred to the proper venue, Santa  
18 Clara County. As a result of Defendant's forum abuse, Plaintiff has incurred actual damages in an  
19 amount to be determined at trial. See, *Hess v. Cohen & Slamowitz, LLP*, 637 F.3d 117 (2d Cir. 2011).  
20

## 21 VII. CLAIMS

### 22 **FAIR DEBT COLLECTION PRACTICES ACT**

23 15. Plaintiff brings the first claim for relief against Defendant under the Fair Debt  
24 Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*  
25

26 16. Plaintiff incorporates all paragraphs in this Complaint as though fully set forth  
27 herein.  
28

1 17. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. §  
2 1692a(3).

3 18. Defendant, STEINFELD, is a "debt collector" as that term is defined by the  
4 FDCPA, 15 U.S.C. § 1692a(6).

5 19. The financial obligation alleged to be owed by Plaintiff is a "debt" as that term is  
6 defined by the FDCPA, 15 U.S.C. § 1692a(5).

7 20. Defendant has violated the FDCPA. The violations include, but are not limited to,  
8 the following:

9  
10 a. Defendant brought a legal action against Plaintiff to collect a consumer debt  
11 in a judicial district other than the judicial district in which the Plaintiff signed the contract sued  
12 on or in the judicial district in which the Plaintiff resided at the commencement of the action, in  
13 violation of 15 U.S.C. § 1692i(a).

14  
15 21. Defendant's acts as described above were done intentionally with the purpose of  
16 coercing Plaintiff to pay the alleged debt.

17  
18 22. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to an  
19 award of actual damages, statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C.  
20 § 1692k.

21 **VIII. REQUEST FOR RELIEF**

22 Plaintiff requests that this Court:

23 a) Assume jurisdiction in this proceeding;

24 b) Declare that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. §  
25 1692i(a);

26 c) Award Plaintiff actual damages in an amount to be determined at trial, pursuant to 15  
27  
28

1 U.S.C. § 1692k(a)(1);

2 d) Award Plaintiff statutory damages in an amount not exceeding \$1,000, pursuant to 15


3 U.S.C. § 1692k(a)(2)(A);

4 e) Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15

5 U.S.C. § 1692k(a)(3); and

6 f) Award Plaintiff such other and further relief as may be just and proper.

7  
8  
9 CONSUMER LAW CENTER, INC.

10  
11 By: /s/ Fred W. Schwinn 

12 Fred W. Schwinn (SBN 225575)

13 CONSUMER LAW CENTER, INC.

14 12 South First Street, Suite 1014

15 San Jose, California 95113-2418

16 Telephone Number: (408) 294-6100

17 Facsimile Number: (408) 294-6190

18 Email Address: fred.schwinn@sjconsumerlaw.com

19 Attorney for Plaintiff

20 CARL MONROE

21 **DEMAND FOR JURY TRIAL**

22 PLEASE TAKE NOTICE that Plaintiff, CARL MONROE, hereby demands a trial by jury of all  
23 triable issues of fact in the above-captioned case.

24 /s/ Fred W. Schwinn 

25 Fred W. Schwinn, Esq.